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September 11, 2007



BY ECF

Hon. Thomas M. Blewitt, Chief Magistrate Judge
William J. Nealon Federal Building and U.S. Courthouse
235 N. Washington Ave.
P.O. Box 1148
Scranton, PA 18501

RE: Sharon Schmid v. Borton Lawson Engineering, Inc., et al.
Case No.: 3: 05-CV-1660 (Middle District of Pennsylvania – Scranton)
Our File No.: 14180.04948

Dear Judge Blewitt:

As your Honor may recall, the undersigned law firm represents Defendant Beth Ann Delaney with regard to the above referenced matter. We are writing in furtherance of the advice given to us by your Honor's Chambers.

Plaintiff's counsel recently served the undersigned with a Second Request for Production of Documents directed to Ms. Delaney. Among other requests, Plaintiff has requested that Ms. Delaney produce the following information:

3. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by you for each year from 2001 to 2006.
4. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by any entity of which you are an officer or partner, including, but not limited to Signet Health Solutions, for each year from 2001 to 2006.

Significantly, Plaintiff's counsel also recently served counsel for Defendant Borton Lawson Engineering, Inc. ("BLE") with a set of Interrogatories, wherein Plaintiff has inquired as to the amounts that BLE has paid Ms.

September 11, 2007

Page 2

Delaney (as well as Corporate Counseling and Training Services, Inc. and Signet Health Solutions, the two entities in which Ms. Delaney has an ownership interest) for services rendered during the years 2001 to 2007.¹

Plaintiff's counsel apparently has served this latest battery of discovery requests upon the several Defendants in an effort to establish the extent of Ms. Delaney's business relationship with BLE and to ascertain how much income Ms. Delaney has generated as a result of this business relationship. The reasons why Plaintiff believes such information is at all germane to this action is somewhat perplexing, however.

It is Ms. Delaney's position that she should not be obligated to provide the income tax related records requested by Plaintiff. Simply stated, the tax records are not relevant to the subject matter of this litigation. Moreover, even assuming *arguendo* the tax records are relevant, the information contained in the returns (i.e., the amount of income generated as a result of Ms. Delaney's business dealings with BLE) is readily available elsewhere. See American Health Systems, Inc. v. Liberty Health System, 1991 U.S. Dist. LEXIS 14400 (E.D. Pa. 1991).

In light of the foregoing, we respectfully request that your Honor schedule a discovery conference so we may address these concerns and determine whether we will need to file a Motion for a Protective Order on Ms. Delaney's behalf.

We thank your Honor in advance for your courtesies.

Respectfully submitted,

SHARON M. O'DONNELL

SMO/

cc: George R. Barron, Esquire (via ECF)
James C. Oschal, Esquire (via ECF)
Anne B. Cianflone, Esquire (via ECF)
Beth Ann Delaney, CAC, LSW

¹ Plaintiff's counsel separately served a Request for Production of Documents directed to Corporate Counseling and Training Services, Inc. as well requesting, *inter alia*, "all federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by CCTS for each year from 2001 to 2007."